



*United States Attorney
District of Guam*

FLU-FY08-17

*Sirena Plaza, Suite 500
108 Hernan Cortez Avenue
Hagåtña, Guam 96910*

*(671) 472-7332
FAX (671) 472-7215*

NOTICE

The attached subpoena is being issued pursuant to the Federal Debt Collection Procedures Act. This Act allows the United States in pursuit of the collection of a debt to issue a Rule 45 subpoena nationwide. The statute may be found at 28 U.S.C. § 3004(b).

Additionally, the United States is not required to comply with the Right to Financial Privacy Act when it is seeking information regarding a named party to litigation. See 12 U.S.C. § 3413(e). If you should have any questions, you must contact the person listed on the subpoena at the phone number provided prior to the deadline.

Issued by the
FLU-FY08-17 **UNITED STATES DISTRICT COURT**
 DISTRICT OF FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA

SUBPOENA

V.

KWOK KWUN LEE

Case Number: CR 00-00029

TO: Northern Islands Mayor's Office
 Saipan, MP

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

SUBPOENA DUCES TECUM

Items listed on attached "Exhibit A". In lieu of producing documents in person, please mail documents to Michelle Perez at the address listed below. For clarification Ms. Perez may be reached at 671-472-7332, extension 124.

PLACE	UNITED STATES ATTORNEY'S OFFICE Sirena Plaza, Suite 500 108 Hernan Cortez Avenue, Hagatna, Guam 96910	DATE AND TIME
		on or before 8/15/2008

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
<i>Jessica Cruz, Attorney for Plaintiff</i>	07/15/08

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

JESSICA F. CRUZ, Assistant U.S. Attorney

TEL: 671-472-7332

MIKEL W. SCHWAB, Assistant U.S. Attorney

U.S. Attorney's Office, Sirena Plaza, Ste. 500, 108 Hernan Cortez Ave., Hagatna, GU 96910

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

1 If action is pending in district other than district of issuance, state district under case number.

ORIGINAL

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fees.

(2)(A) A person commanded to produce and permit inspections and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order

to attend trial be commanded to travel any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT A
ATTACHMENT TO SUBPOENA
to Northern Islands Mayor's Office

A. Any and all documents, including but not limited to bid submissions, bid proposals, applications, acceptance of bid, acceptance of contracts, and any related or similar forms completed by or for and signed by:

**Kwok Kwun Lee, individually
and d/b/a Kwun Kee Co. Of Saipan, Inc.**
Social Security Number Known as: XXX-XX-6222
Date of Birth Known as: XXXXXX XX, 1947

**Wong Sook Lan Lee, individually
and d/b/a Kwun Kee Co. Of Saipan, Inc.**
Social Security Number Known as: XXX-XX-7821
Date of Birth Known as: XXXX XX, 1960

Kwun Kee Co. Of Saipan, Inc.
Tax/Employer Identification Number Known as: XX-XXX2794

either individually or jointly with others, corporate or otherwise, for contracts or agreements in connection with any gambling business including but not limited to games involving money wagers, lottery or poker machines from 2002 through 2008.

B. In connection with the gambling business referenced in Section A, all information, whether in electronic or document format, referring or relating to **KwokKwun Lee, individually, and d/b/a Kwun Kee Co. of Saipan, Inc., Wong Sook Lan Lee, individually, and d/b/a Kwun Kee Co. Of Saipan, Inc., and Kwun Kee Co. Of Saipan, Inc.,** as follows:

1. All billing or invoice statements dating from January 2002 through and including July 2008;
2. Copies of all documents evidencing payments dating from January 2002 through and including July 2008;
3. All documentation of correspondence including, but not limited to, telephone calls, telephone messages, e-mails, letters and memorandums to, from, or relating to **KwokKwun Lee, individually, and d/b/a Kwun Kee Co. of Saipan, Inc., Wong Sook Lan Lee, individually, and d/b/a Kwun Kee Co. of Saipan, Inc., and Kwun Kee Co. of Saipan, Inc.;**
4. All memorandum and notes of all meetings with or relating to **Kwok Kwun Lee, individually, and d/b/a Kwun Kee Co. of Saipan, Inc., Wong Sook Lan Lee, individually, and d/b/a Kwun Kee Co. of Saipan, Inc., and Kwun Kee Co. of Saipan, Inc.;**

Should you have any objections to disclosing any requested documentation, please provide the basis for your objection. If you any questions, please contact Michelle Perez at (671) 472-7332, extension 124, or via email at michelle.perez@usdoj.gov.